

tion of 17 gallons of alleged grape flavor, remaining in the original unbroken packages at Baltimore, Md., alleging that the article had been shipped by the Southern Beverage Co., Galveston, Tex., on or about June 2, 1923, and transported from the State of Texas into the State of Maryland, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: "Triple * * * 'XXX' * * * Brand Grape Julo Extract * * * Southern Beverage Company Galveston, Texas."

Adulteration of the article was alleged in the libel for the reason that a substance, to wit, an imitation grape flavor, had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength and had been substituted in whole or in part for grape flavor, which the said article purported to be. Adulteration was alleged for the further reason that the article was mixed and colored in a manner whereby damage or inferiority was concealed.

Misbranding was alleged for the reason that the statements, "Triple * * * 'XXX' * * * Grape Julo Extract," were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was an imitation of and offered for sale under the distinctive name of another article, and for the further reason that it was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package in terms of weight, measure, or numerical count.

On August 6, 1923, the Southern Beverage Co., Galveston, Tex., having appeared as claimant for the property and having consented to the entry of a decree, judgment of the court was entered ordering that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$250, in conformity with section 10 of the act, conditioned in part that it be relabeled under the supervision of this department.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11800. Misbranding of Bick's sarsaparilla, Bick's nerve tonic, Arthur's emmenagogue pills, Thomas' emmenagogue pills, Leslie's emmenagogue pills, La Derma vagiseptic discs, Bick's sextone pills, Arthur's sextone tablets, and Bick's Daisy 99. U. S. v. 11 Packages of Arthur's Emmenagogue Pills, et al. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 15121, 15307, 15314, 15388, 15389, 15390. S. Nos. C-3103, C-3141, C-3142, C-3143, C-3144, C-3145, C-3147, C-3148, C-3149, C-3150, C-3151, C-3215, C-3222, C-3228.)

On July 15, August 6, August 15, and September 22, 1921, respectively, the United States attorney for the Northern District of Texas, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 1 bottle of Bick's sarsaparilla, 42 boxes of Bick's nerve tonic, 47 boxes of Arthur's emmenagogue pills, 139 boxes of Thomas' emmenagogue pills, 65 boxes of Leslie's emmenagogue pills, 39 boxes of La Derma vagiseptic discs, 44 boxes of Bick's sextone pills, 54 boxes of Arthur's sextone tablets, and 20 boxes of Bick's Daisy 99, remaining in the original packages in various lots at Amarillo, Plainview, and Clarendon, Tex., respectively, alleging that the articles had been shipped by the Palestine Drug Co., from St. Louis, Mo., between the dates of August 2, 1919, and September 16, 1920, and transported from the State of Missouri into the State of Texas, and charging misbranding in violation of the Food and Drugs Act, as amended. The articles were labeled, respectively, in part: (Bick's sarsaparilla) (bottle) "to be taken regularly as long as impurity exists in the blood. * * * one of the best remedies in existence for purposes claimed. Remember that constitutional diseases or diseases of long standing cannot be cured in a week or so by any remedy," (wrapper) "for the Treatment of all Diseases due to Impure Blood such as Chronic Rheumatism, Secondary Syphilis, Scrofula, Pimples, Boils, Etc. * * * is especially and specifically designed to give the greatest possible benefit in the treatment of diseases due to impure and impoverished blood;" (Bick's nerve tonic) (wrapper) "Nerve Tonic * * * for Nervous Prostration and bodily aches and pains. * * * a nerve * * * tonic * * * for all female complaints. * * * for Weakness, Nervousness, Headache, Kidney Trouble, and loss of Power in either Sex. * * * for female weakness heart trouble and where a general breakdown of the nervous system exists;" (Arthur's, Leslie's, and Thomas' emmenagogue pills) (box) "Emmenagogue Pills recommended for Ammenorrhea, Dysmenorrhea and other

Menstrual Troubles. * * * beginning treatment * * * before the regular monthly period. * * * continue * * * until relief is obtained;" (La Derma vagiseptic discs) (wrapper) "for * * * Amenorrhoea and other Uterine and Vaginal Disorders," (circular) "For * * * Ammenorrhoea * * * Ulceration of the Uterus and Catarrh of the Uterus * * * Gonorrhoea;" (Bick's sextone pills) (box) "Sextone Pills * * * Composed of * * * Aphrodisiac Agencies;" (Arthur's sextone tablets) (wrapper) "Designed to Correct * * * the Evil Results Following Sexual or Alcoholic Excesses, Overwork, Worry, Etc. * * * Sextone Tablets For Either Sex * * * Composed of * * * the Most Potent and Dependable Aphrodisiac Agencies," (circular) "Sextone Tablets * * * cases of exhaustion of nervous energy * * * stimulate * * * the Sexual Plexes * * * nourish the nervous system and build it up;" (Bick's Daisy 99) "Bick's Daisy 99 * * * Gonorrhea Gleet and functional ailments of the Kidneys and Bladder in both Male and Female."

Analyses of samples of the articles by the Bureau of Chemistry of this department showed that the Bick's sarsaparilla compound contained less than 1 per cent of sodium salicylate, 0.7 per cent of potassium iodide, extracts of plant drugs, including sarsaparilla and a laxative drug, sugar, alcohol, and water; the Bick's nerve tonic consisted of two products—brown tablets containing phosphorus and compounds of zinc and iron, coated with sugar and calcium carbonate, and yellow pellets containing compounds of iron, strychnine, and phosphorus, coated with sugar and calcium carbonate; the Arthur's emmenagogue pills, the Thomas' emmenagogue pills, and the Leslie's emmenagogue pills contained iron sulphate, aloes, and extract of plant drugs, coated with sugar and calcium carbonate, colored pink; the La Derma vagiseptic discs contained salt, alum, starch, milk, sugar, and talc; the Bick's sextone pills consisted of two products—chocolate-colored pills containing a small quantity of extract of plant drugs, 50 per cent of sugar, 25 per cent of calcium carbonate, 7 per cent of iron oxide, and 7 per cent of powdered talc, and orange-colored tablets containing 31 per cent of metallic iron, 11 per cent of calcium carbonate, extract of nux vomica, and sugar; the Arthur's sextone tablets contained iron oxide, calcium carbonate, a compound of zinc, and extract of plant drugs, coated with sugar; and the Bick's Daisy 99 consisted of tablets containing iron sulphate, methylene blue, and material derived from plants including cubebs, copaiba, santalwood, and starch, coated with sugar and calcium carbonate.

Misbranding of the articles was alleged in substance in the libels for the reason that the above-quoted statements appearing in the labeling of the respective products were false and fraudulent in that the said articles contained no ingredients or combinations of ingredients capable of producing the said therapeutic effects.

On November 2, 1922, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the products be destroyed by the United States marshal.

HOWARD M. GORE, *Acting Secretary of Agriculture.*